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Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2022 (2011), by which the Council extended the mandate of the United Nations Support Mission in Libya (UNSMIL) for a three-month period until 16 March 2012. The report covers major developments since my report of 22 November 2011 (S/2011/727) and describes the activities undertaken by UNSMIL in line with its mandate under Security Council resolutions 2009 (2011), 2017 (2011) and 2022 (2011). It also assesses the challenges facing Libya as it continues its historic transition, and provides recommendations on the future role of the Mission in Libya.

II. Political and security developments

2. On 17 February 2012, the people of Libya marked the first anniversary of the beginning of the Libyan revolution and their struggle for freedom after almost 42 years of authoritarian rule. Despite concerns that there might be attempted attacks or disruptions by pro-Qadhafi elements, the anniversary passed peacefully as public celebrations took place in cities and towns nationwide, with effective security operations coordinated among State security forces and key "brigades". While celebrations were intended to commemorate those who died in the struggle for freedom, they also signalled hope for the future.

3. In speeches to the nation, Mustafa Abdul Jalil, Chair of the National Transitional Council, and Abdurrahim el-Keib, the Prime Minister acknowledged the sacrifices of the Libyan people, noted the challenges ahead and emphasized the importance of institution-building, particularly the need for revolutionaries to support national security institutions. This priority has been reflected in the plans of the Ministries of the Interior, Defence and Labour for integration and reintegration, including the recruitment of 10,000 former fighters onto the payroll of the Ministry of the Interior, which has developed a strategic plan for their integration.

4. Meanwhile, the liquidity situation has eased significantly since the lifting of sanctions on the Central Bank of Libya and the Libyan Arab Foreign Bank, and the oil sector has continued to recover well. Following the reopening of schools, most educational institutions are now functioning.

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5. The National Transitional Council announced the formation of the new interim Government headed by Prime Minister El-Keib on 22 November 2011, following broad-based consultations across the political spectrum. In one of its first actions, the Government announced its priorities, including security and integration of the revolutionary fighters; attending to the needs of the war wounded; enhancing transparency, the rule of law and respect for human rights; the holding of elections; reviving the economy; and resolving liquidity issues linked to Libya's frozen assets.

6. The Government faced an early test following a series of security incidents in early December involving revolutionary "brigades" in Tripoli, which prompted strong public calls for those brigades hailing from outside Tripoli to withdraw from the capital. However, the Government advocated an incremental approach for their withdrawal, on the basis of a comprehensive security plan that would enjoy the buy-in of all major stakeholders. On 25 December, the Government announced its intention to integrate or reintegrate some 75,000 revolutionary fighters, divided equally among the defence, police and civilian sectors. On 2 January, the National Transitional Council appointed Major-General Yusuf Mangoush as Chief of Staff of the Army, a step that reflected the authorities' commitment to establishing unified national armed forces.

7. In the meantime, demonstrators in Benghazi and Derna took to the streets on 12 December, protesting National Transitional Council comments about a possible amnesty for some former Qadhafi fighters and regime officials. The protests acquired momentum as they evolved into a platform broadly critical of the Council's performance, with demonstrators in a number of cities demanding greater transparency and accountability. There were calls also for former regime supporters to be barred from the political process and purged from State institutions.

8. On 22 January 2012, demonstrators stormed the Council's headquarters in Benghazi. Abdul Hafiz Ghoga, Vice-Chair of the Council, who had been jostled two days earlier by angry students at Benghazi University, resigned. At no point during the demonstrations did the authorities resort to the use of force.

9. Intermittent clashes between the brigades and other incidents continued to pose a challenge to the authorities in their efforts to contain the overall security situation and to manage the risks associated with the continued proliferation of weapons on the streets and the large number of armed brigades whose lines of command and control remained unclear. In Tripoli, the most serious of these took place on 3 January 2012 when fighting broke out between rival brigades from Misrata and the capital's Sidi Khalifa neighbourhood, resulting in several deaths. An attempt to detain alleged supporters of the Qadhafi regime in Sabhā, located south of Tripoli, led to heavy fighting between brigades from Gheryan and Al-Asab'a, in which at least six were killed and several wounded.

10. In Bani Walid, tensions between part of the population and the local council erupted into clashes in late November after the city's military council requested brigades from Tripoli to assist in a security sweep following alleged provocations by pro-Qadhafi elements. Thirteen fighters were reportedly killed in an ambush as they attempted to enter the city. In response to the standoff in the city, particularly with regard to the local council, the National Transitional Council formed a committee to lead consultations and make recommendations. On 23 January, escalating tensions in Bani Walid erupted into armed confrontations, in which several of those involved were killed. The Government responded by deploying units from the national army

to the outskirts of the city and dispatching a high-level delegation to engage with stakeholders to contain the situation and address the underlying security and political challenges.

11. On 6 February, two attacks against members of the Tawergha internally displaced persons' community in Tripoli took place, resulting in the deaths of seven Tawergha, including three children and two women. These incidents follow a pattern of general harassment and intimidation of Tawergha community members reported elsewhere in the country, including in Benghazi, and are the most serious to have occurred in the capital. UNSMIL called upon the Government to conduct an investigation into the incident, bring to justice those responsible, improve security at the displaced persons' camp and ensure the protection of Tawergha displaced people elsewhere in the country.

12. In the Kufra region, tensions between the Tabu and Zwaya "tribal brigades" erupted into a series of clashes in early February, reportedly triggered by the initial killing of a Zwaya man and the subsequent death of a Tabu youth. In efforts to restore calm, the Government dispatched units from the national army to the area while religious leaders and tribal chiefs attempted to secure a sustainable ceasefire. This is the third incident in the last six months between these "tribal brigades", with long-standing tribal tensions allegedly exacerbated by disputes over control of smuggling.

13. Amid mutual concerns regarding the threats emanating from porous borders, the interim Government opened dialogue with its neighbours, with the Minister for Foreign Affairs of Libya, Ashour Bin Khayal, visiting Niger, Mali and Chad. The Chair of the African Union Commission, Jean Ping, visited Tripoli in mid-January for talks with Libyan officials. Prime Minister El-Keib participated in the eighteenth African Union Summit, held in Addis Ababa from 29 to 31 January, during which he called for a regional security conference. On 1 February, the African Union appointed Mondher Rezgui of Tunisia as Special Representative and Head of the African Union Liaison Office in Tripoli. The Secretary-General of the League of Arab States appointed Sheik El Avia ould Mohamed Khouna of Mauritania as Head of Mission in Libya on 20 December 2011. High-level visits have also taken place between Libya and three of its neighbours, Egypt, the Sudan and Tunisia.

14. Indicative of the increasingly active political landscape has been the spontaneous emergence of several political trends and pressure groups, many of which are organizing for the upcoming elections to secure a free Libya and their interests beyond the elections. Youth represent one such group as they seek to transform their role from freedom fighters to nation-builders through engagement in making decisions on Libya's political, economic and social future. Likewise, women across Libya who were involved in the revolution expect to apply their commitment to the democratic and development processes.

III. Activities of the United Nations Support Mission in Libya

15. The difficulties facing Libya's interim authorities require determined political management by its leaders, who must be given the space to address their internal priorities. UNSMIL, in partnership with the United Nations country team, remains focused on supporting them in meeting these key challenges.

A. Electoral support

16. Electoral activities focused on the establishment of the legal and institutional framework that will serve as the basis for the election of the National Congress in accordance with the Constitutional Declaration of the National Transitional Council, including the electoral legislation and the appointment of the Higher National Electoral Commission.

17. The National Transitional Council's electoral committee launched a public consultation process on 1 January by posting the draft election law on the Internet and hosting public consultations in Tripoli, Benghazi, Sabhā and other cities. Civil society groups organized their own meetings and presented comments to the Council. The committee received approximately 14,000 comments on various aspects of the draft text. Although the committee's decision to publish the draft electoral law was welcomed by the public, there was criticism of the limited time for consultations and the lack of inclusiveness of the process. Women's groups demonstrated and submitted petitions to the Council and the Government for the inclusion of temporary special measures for women in the election law.

18. An amended text was approved by the National Transitional Council on 18 January and was to be made public on 22 January. Following the protests in Benghazi that day, however, the Council decided to extend consultations for an additional period. The Council did proceed, however, with the adoption of the electoral management body law, which defines the nature and scope of functions of the Higher National Electoral Commission, and with the appointment of the 17 Commission members.

19. Subsequently, a new draft of the electoral law was presented to the National Transitional Council, which was adopted on 28 January and substantially amended on 7 February. The adopted law made extensive changes to the initial text, in particular by changing the proposed electoral system. The new law introduced a mixed system whereby 120 seats are to be elected under a majoritarian system and 80 through proportional representation. The law also defined the role of "political entities" and required that proportional representation lists alternate candidates by gender as a special measure to guarantee women's representation in the National Congress.

20. With the adoption of both laws the legal framework for elections is almost complete; it only remains for the National Transitional Council to define the electoral constituencies in accordance with the provisions of the electoral law.

21. Throughout this process, the UNSMIL electoral team engaged closely with the electoral committee and other members of the National Transitional Council to communicate recommendations on the draft texts, emphasizing the importance of an inclusive, transparent process and the need for a legal framework broadly acceptable to the Libyan people. At all stages, UNSMIL provided comments on the draft law from the perspectives of human rights, transitional justice and women's empowerment, in addition to conveying technical electoral concerns from experiences elsewhere. The Mission's advice has been directed towards ensuring improvements in the legislation that will satisfy the concerns raised in public consultations and meet the need for operational clarity. UNSMIL is working with UNDP to develop a comprehensive programme of electoral support should the newly formed Electoral Commission request it.

22. As one initial step in efforts to engage civil society and promote civic education in preparation for the elections, on 28 January, UNDP launched a three-month training of trainers programme for 30 civic education instructors on the basics of elections, democracy and good governance. The trainees, half of them women, represent universities and civil society organizations and are being coached by expert trainers.

B. Human rights, transitional justice and rule of law

23. The transfer of conflict-related detainees to the custody of the Ministry of Justice continues to be a major challenge. The majority of their files remain unprocessed; only a few of these detainees have been released. While the Government has stated its intention to bring prisons and other detention centres under the control of the judicial police, progress has been slow, partly owing to an insufficient number of judicial police. The latest figures provided by the Ministry of Justice indicate that 23 detention centres are currently under Government control, holding a total of 2,382 detainees. The Ministry of Justice has not been able to confirm the number of detainees held by the "brigades" but UNSMIL estimates place the number between 5,000 and 6,000. The judicial process itself continues to be hindered by the prevailing security situation, the reluctance of prosecutors and judges to return to work and slow progress in reforming and activating the judiciary, among other factors.

24. Revolutionary "brigades" continue to carry out arrests of alleged former regime supporters and interrogation, including at undisclosed locations, as well as to control known detention centres where conditions remain mostly poor. UNSMIL visits to several places of detention and interviews with a number of detainees, alongside findings of international non-governmental organizations, have raised concerns about alleged acts of severe torture and ill-treatment perpetrated by the brigades, including deaths in custody, particularly in Tripoli, Misrata, Zintan and Gheryan. Victims include members of the Tawergha community, who have been targeted because of their alleged responsibility for serious human rights violations in Misrata during the conflict.

25. Following publicity given to the briefing of the Security Council by the High Commissioner for Human Rights on 25 January, and reports by international non-governmental organizations expressing strong concern about the practice of torture and ill-treatment of detainees, the Government publicly condemned the violations and pledged to investigate and put in place corrective measures. UNSMIL again urged the Ministry of Justice to quickly assert its control over detention facilities and hasten the processing of detainees, offering assistance in the training of relevant personnel.

26. UNSMIL provided comments to the Ministry of Justice on the draft law on transitional justice. On 10 December, the National Transitional Council convened a national conference to discuss issues related to justice and reconciliation, at which the Chair indicated that the Council was considering a draft law on amnesty for non-serious crimes, and another on special procedures relating to detentions. The laws have met with protest from some groups and have yet to benefit from a process of consultation with civil society actors or the broader public. The transitional justice law was made public on 14 February. It provides for the establishment of a

fact-finding and reconciliation commission to investigate human rights violations since 1969 and provide compensation to victims.

27. In partnership with the High Judicial Institute, the United Nations organized a conference from 23 to 25 January to advance the transitional justice agenda. The conference provided an opportunity for governmental actors, international experts and civil society representatives to discuss strategies for implementing transitional justice. It closed with a series of recommendations, including requests for further United Nations support in the areas of truth-seeking and training for the justice sector.

28. On 17 January, the Government dissolved the National Commission for the Search for and Identification of Missing Persons, allocating the responsibility for missing persons exclusively to the Ministry for Assistance to the Families of Martyrs and Missing Persons. Government officials have assured UNSMIL that the Ministry will carry out its responsibilities impartially and in accordance with international standards.

29. On 28 November, the National Transitional Council established the National Council for Public Liberties and Human Rights, mandated to promote human rights, monitor the activities of government authorities, initiate investigation into individual cases and forge cooperation with civil society. UNSMIL has offered technical support to the Council. In response to the emergence of hundreds of civil society organizations and the critical importance of building a strong and able civil society, UNSMIL has engaged in capacity-building of human rights activists.

C. Public security

1. Police

30. The Ministry of the Interior faces multiple challenges in building national security structures and restoring basic policing capability, including the complex issue of integration of revolutionary fighters; the need for training, basic equipment and functional facilities; and the challenges of border control and illegal migration, particularly in the south.

31. In mid-December, the Ministry adopted a concept for the integration of fighters, including policies for recruitment, status, tasks and training. It launched a registration process in early January for up to 25,000 former fighters who would be provided with a six-month initial contract, with the prospect of permanent employment. In support of this plan, Jordan pledged to train 10,000 former fighters and Turkey offered to train 750 cadets and 500 former fighters. More international support and commitments in the area of security are expected.

32. The international coordination mechanism for police-related assistance, established under the auspices of the Ministry of the Interior and UNSMIL, held three monthly meetings to assist the Ministry in its development of priorities and plans and coordinate the international community's offers of assistance so as to ensure that they best address the Ministry's needs.

33. Following initial UNSMIL training needs assessments in November and December, UNSMIL deployed a police training expert to assist the Ministry in developing its policies and training of trainers courses and in preparing for election

security. Specialized courses are being designed for existing police officers. In response to the Ministry's request, UNSMIL also deployed a police logistics expert in early February to assist the Ministry in establishing policies and guidelines for the acquisition of equipment.

2. Border security

34. Border security and management is a key Government priority. Government representatives have emphasized the importance of strengthening the newly created Agency for Border Security and Strategic Installations Protection within the Ministry of Defence, which currently intends to absorb some 16,000 revolutionary fighters into five brigades to protect Libya's borders. UNSMIL is convening coordination meetings with Government representatives and international partners to articulate and detail Libya's border security needs and facilitate integrated planning, including training, prioritization of requirements and asset procurement. Three coordination meetings were held during the reporting period.

35. In order to support the Government in addressing normative and operational challenges related to illegal migration, the border security and management coordination group established a subgroup, currently chaired by UNSMIL, comprising the Interior and Defence Ministries, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the European Union.

3. Arms proliferation

36. Visits to weapons storage sites have been conducted jointly by Libyan officials and international counterparts, including the United Nations Mine Action Service. To date, an estimated 123 weapons holding sites have been visited and approximately 5,000 man-portable air defence systems and components have been accounted for. The full magnitude of the arms problem remains unknown because access to stockpiles controlled by "brigades" remains a challenge; no reliable records exist of pre-conflict weapons stocks; and details of weapons destroyed, transferred or used during the conflict are not available. UNSMIL and the United Nations Mine Action Service are helping the Ministry of Defence and some "brigades" to explore a programme for the registration of weapons — including man-portable air defence systems — and for ammunition storage and management. To this end, the Ministry of Defence has established a task force with UNSMIL and bilateral partners. The December 2011 United Nations/African Union assessment mission dispatched to look into the impact of the Libyan crisis on the Sahel region received no information that man-portable air defence systems had been smuggled out of Libya or had appeared in neighbouring countries. This is consistent with information to date which suggests that most looted arms are likely to remain within a perimeter of 50 km of the original storage sites. At the same time, wide circulation of light arms and small weapons, and the risk of their further spread, is a key concern for the Government and UNSMIL. Though numerous weapons registration initiatives have been launched at the local level, major progress in this area will take time.

37. There has been progress in accounting for the additional chemical materials and weapons found at the previously undeclared sites in Sabhā and Sokna. On 28 November 2011, Libyan authorities officially submitted to the Organization for the Prohibition of Chemical Weapons (OPCW) a declaration of these materials,

which had been transferred to the previously declared storage sites. From 17 to 19 January 2012, OPCW inspectors visited the sites in order to inspect facilities and verify the existence and safe storage of the newly transferred materials. Libya is to submit a plan for the destruction of the declared materials to OPCW by the end of April 2012. UNSMIL supported the OPCW visit with logistics and security, and will continue its overall facilitation role in this and related areas.

38. Regarding nuclear materials, on 9 December the International Atomic Energy Agency completed its visit to Libya, during which it confirmed that none of the previously recorded nuclear materials in the Tripoli Tajoura nuclear facility or the Sabhā yellowcake storage facilities had gone missing. Although the storage condition of the barrels is deteriorating, there is no immediate health risk. Nonetheless, the safety and security measures at the Sabhā facility are not deemed sufficient for the longer term. While the proliferation risk seems low given the weight and state of the barrels, the expeditious sale and transfer of the 6,400 barrels of nuclear material stored in Sabhā remains a key priority.

4. Landmines and explosive remnants of war

39. As of 31 January 2012, the Joint Mine Action Coordination Team has cleared 126,155 mines and other explosive remnants of war. While 60 schools and 2,624 houses have been cleared, initial surveys indicate this is only a fraction of the contamination. To respond to this continuing need, in December 2011 the Ministry of Defence established the Libyan Centre for Mine Action with a mandate to coordinate efforts in this domain.

40. During November and December, five children were killed and 56 injured owing to unexploded ordnance, the majority in and around Sirte. The Ministry of Education, in collaboration with the United Nations Children's Fund (UNICEF) and the Joint Mine Action Coordination Team, is intensifying risk education and awareness programmes. It has also convened the first national workshop, at which it was agreed to integrate risk education in school curricula and to develop an information system and a national strategy. To date, explosive remnants of war initiatives have reached an estimated 85,000 Libyans.

41. Mine action operations continue to be limited by lack of funds. On behalf of the Joint Mine Action Coordination Team, the United Nations Mine Action Service launched on 15 December an urgent appeal for $38.4 million to continue current operations and meet increased demands. Some donors have provided support, and there are currently 27 teams for clearance and 30 for risk education.

5. Integration, demobilization and reintegration

42. The issue of integrating and unifying revolutionary fighters into coherent national security institutions is one of the urgent priorities facing the Government during this transitional period. The relevant ministries have developed plans to integrate the fighters into the various security forces or to reintegrate them into civilian life. In January, the Commission for Warriors' Affairs and the Ministries of Planning and Local Government opened registration to all fighters. At the same time, the Ministries of the Interior and Defence initiated application processes for former combatants to join the police and the defence forces, respectively. UNSMIL has encouraged the Commission to consider allowing eligible women to register and

prioritize the demobilization of any children remaining associated with revolutionary brigades.

43. UNSMIL is exploring with the Office of the Prime Minister and concerned ministries and agencies how best the Government can be supported in creating a coherent national approach to demobilization and reintegration. UNSMIL and the World Health Organization (WHO) have engaged with the Government regarding the provision of psychosocial counselling services for former combatants and others, including children, who were associated with the armed groups and forces.

D. Socio-economic recovery and coordination of international assistance

44. Following the request of the National Transitional Council on 8 December to the Security Council Committee established pursuant to resolution 1970 (2011), sanctions were lifted on the Central Bank of Libya and the Libyan Arab Foreign Bank. On 20 December, UNSMIL supported the Libyan authorities in convening relevant bilateral representatives to accelerate the transfer of assets to Libyan control. Although the liquidity crisis is easing, financial management issues continue to hamper the Government's ability to allocate funds quickly in response to urgent needs.

45. The United Nations has worked with the Ministry of Planning on the establishment of institutional structures aimed at promoting the alignment of assistance from the United Nations and international community partners with national priorities and sectoral plans. United Nations projects approved under the former regime are being reviewed. The United Nations also assisted the Ministry in its coordination role with the relevant ministries in the formulation of sectoral plans with realizable goals for the six-month transitional period.

46. On 30 and 31 January, UNSMIL, together with the European Union and the World Bank, supported the Office of the Prime Minister in convening a workshop to facilitate coordinated provision of international assistance in areas including social services, anti-corruption measures, civil society, transitional justice and communication strategy. What began as the Libya coordinated needs assessment process under the auspices of the National Transitional Council, before the establishment of the interim Government, has now evolved into a Tripoli-based coordination structure led by the Office of the Prime Minister, which has requested support from UNSMIL, the European Union and the World Bank.

47. A joint World Bank/International Monetary Fund mission to Libya from 13 to 28 January focused on a macroeconomic overview, public expenditure and public financial management. The Government displayed transparency by making the concluding statement of IMF publicly available on its website. The mission noted, in particular, that speedy recovery would depend on improvements in the security sector, and stressed the need for ensuring transparency and accountability and establishing an independent statistical bureau.

E. Humanitarian situation

48. Following improvements in the humanitarian situation, major delivery of relief assistance was phased out in December. Under the direction of the Deputy Special Representative of the Secretary-General/Humanitarian Coordinator, agencies are

developing an action plan to ensure full coverage of residual humanitarian needs between January and June 2012. Key priorities include addressing the needs of the remaining internally displaced persons, returnees and minority groups; and mine action and removal of unexploded ordnance. In line with their exit strategies, humanitarian agencies are focusing on capacity-building for the Libyan Humanitarian Relief Agency (LibAid) and other national organizations.

49. The end of 2011 saw the progressive return of people displaced from the worst affected areas. As of January 2012, the majority of the Sirte and Bani Walid populations have returned, and organizations including LibAid, and national and international actors have been providing assistance. My Deputy Special Representative visited Bani Walid and Sirte on 3 and 4 January and noted that both cities needed assistance to accelerate the return to normalcy through the rebuilding and repair of public infrastructure and housing and the restoration of public services. At the same time, an estimated 65,000 to 80,000 people remain internally displaced, mainly Tawergha, other minorities and people associated with the former regime, owing to fears of reprisals in their areas of origin. They are in need of interim solutions to improve their living conditions and access to basic services, and in the longer term, reconciliation between communities to allow their return to their areas of origin. The Humanitarian Coordinator has urged that all efforts be made to reduce aid dependency and avoid the creation of displaced persons' camps.

50. In the absence of a clear legal or administrative framework on migration, irregular migrants and potential asylum-seekers continue to be detained in facilities operated by different authorities or "brigades". Approximately 600 people, including women and children, are being held at the Qanfouda migrant detention facility in Benghazi in poor conditions and without a clear process to determine their status or facilitate their release. Of the 18 migrant detention facilities operated by the Ministry of the Interior prior to the crisis, only two are under full control of the Ministry. IOM continues to assist migrants in distress through facilitation of citizenship verification, issuance of travel documents and voluntary repatriation operations by air charter and commercial flights. Difficult access to migrants and the absence of secure transit facilities in the west and south of the country remain the greatest challenges to direct assistance. In response to the poor conditions at the Qanfouda migrant detention facility, LibAid and other humanitarian actors have undertaken some refurbishments, provided non-food items and improved the provision of health services.

51. The deteriorating security situation in Syria has led to an influx of refugees entering Libya through the Egyptian border. During the month of January several hundred Syrians were stranded at the border pending negotiations over Libyan visa requirements. At the Salloum border crossing, UNHCR has provided stranded Syrians with more than 4,000 meals, while IOM has been helping with medical treatment and some non-food items. In Libya, UNHCR is complementing the efforts of local support organizations by providing technical assistance in registration, non-food items and support for vulnerable individuals.

IV. Deployment of the United Nations Support Mission in Libya

52. As of January, a total of 65 UNSMIL international staff members had been deployed, 55 in Tripoli, 4 in Benghazi and 6 at the Global Service Centre in

Brindisi, Italy. The latter group provides back-office support in line with the global field support strategy of the Department of Field Support. Seven national staff members have also been recruited. Preparation continued for the UNSMIL mission headquarters at the compound allocated to the Mission by the Libyan authorities in late 2011. It is expected that this facility will be ready by March 2012.

53. The status of mission agreement was signed by UNSMIL and the interim Government on 10 January. UNSMIL is now working with the Libyan authorities regarding implementation of the agreement.

V. Safety and security

54. The Government's initial steps towards establishing control in Tripoli, with increased visibility of the police and national army, improved the security environment, although isolated incidents in most localities have been reported. On four occasions, owing to the lack of coordination between the national and regional authorities, local authorities queried the movement of United Nations personnel. One serious incident involving detention of staff members of an international humanitarian organization in Sabhā in January was resolved quickly, and assurances sought from Libyan authorities.

55. In January, the designated official for security adopted the security risk assessment for Libya and the country-specific minimum operating security standards, following a revised countrywide security assessment, enabling managed access to most of Libya. Increased flexibility has become possible regarding vehicle use in Tripoli and Benghazi, as well as for some in-country missions.

VI. Future role of the Mission

56. In my 22 November 2011 report to the Security Council on the situation in Libya (S/2011/727), I recommended to Council members a three-month extension of the UNSMIL mandate to enable me to revert with proposals for adjustments reflecting the wishes of the new Government for future United Nations support. Accordingly, following the formation of the new Government in November, my Special Representative led a field-based integrated mission planning process in full cooperation with the United Nations country team, and in consultation with the Government of Libya.

57. The planning process and the consultations with Libyan interlocutors reaffirmed the continuing relevance of the Mission's mandate, as set out in Security Council resolutions 2009 (2011) and 2022 (2011). The interim authorities in particular have reiterated to my Special Representative the need for UNSMIL to continue its support to the democratic transition by providing comparative experiences, advice and assistance. There has also been wide consensus, both within the United Nations system and with partners, on the appropriateness of the gradual, light-footprint approach taken since September 2011.

58. After 42 years of authoritarian rule and international isolation, Libya faces daunting challenges in the months and years to come. This historic transition will take time, and there will inevitably be setbacks along the way. To succeed, Libya must be given the space required to determine its future. In this context, the role of

the United Nations should be to support Libyans in their efforts to carry out a democratic transition with broad support from the population, whose aspirations are reflected in various transitional milestones and commitments regarding inclusiveness and transparency, socio-economic equity and respect for human rights.

59. UNSMIL would provide its support as an integrated special political mission, with the United Nations country team closely involved in responding to Libya's transitional priorities. While the Mission would continue to focus on Libya's transitional requirements, it would provide its support in a manner that takes into account the longer-term reform needs through unified efforts with the United Nations agencies, whose assistance is also directed towards such future requirements. The field-based integrated planning process recommended that UNSMIL focus on the areas outlined below for the next 12 months.

A. Democratic transition

60. The organization in June 2012 of the country's first elections in decades constitutes the most visible and potentially most important milestone of the transition. Building on its engagement with Libyan authorities since September 2011, the UNSMIL integrated electoral section, with participation from UNDP and UNOPS, would continue to provide technical assistance and advisory services on a range of electoral-related requirements, including electoral security, voter and candidate registration, out of country and special list voting, budget and finance, procurement and electoral asset management, logistics and field operations, polling staff training and media relations. The Mission would also work closely with UNDP and other partners in the United Nations country team to ensure the safe, active and informed participation in the elections of the Libyan population, with a special emphasis on youth, women and minorities. UNSMIL would maintain its coordinating role to ensure that international assistance to the electoral process meets the specific needs of the Libyan context, with limited transaction costs for national partners, and is in full accordance with the principles of national ownership. UNSMIL support would then be extended to Libya's subsequent electoral and constitutional milestones.

61. The elections constitute one aspect of Libya's efforts to strengthen the links between the State, its Government and its citizens. The country's democratic transition is also confronted with the fact of weak, at times absent, State institutions, coupled with the long absence of political parties and civil society organizations. Working with the country team and other international partners, UNSMIL would also continue to support the political systems and institutions that will strengthen the transition's legitimacy, including better defined relations between the central Government and local authorities and the emergence of free and responsible media.

62. One of the key normative imperatives that would guide the work of the Mission and the United Nations system relates to the empowerment of women and the Security Council's resolutions on women and peace and security. Despite their significant presence on the front line of the revolution, women now face great challenges in ensuring their participation in the political, social and economic decisions that will determine Libya's future. UNSMIL would approach women's empowerment as a core dimension of delivering on its mandate across all areas. The Mission would promote women's rights and facilitate a process by which their needs, aspirations and challenges are taken into account. Key issues include

women's participation in elections, including their standing for office, and in constitutional processes; women's engagement in the transitional justice and reconciliation processes, including the aspects relating to missing persons; gender-sensitive security sector reform; and the strengthening of national and civil society capacities to safeguard women's rights and investigate violations. To complement this work, UNSMIL would work closely with the country team to ensure women's participation in development activities, in line with the commitments made in my seven-point action plan for gender-responsive peacebuilding.

63. The youth of Libya played a critical role in bringing about the revolution. They now want to ensure that the aims of the revolution are protected in and beyond the transition. Their enthusiasm, their commitment to the aims of the revolution and the clarity of their vision should be harnessed to help build a new Libya. UNSMIL would engage with youth to support their meaningful engagement in political and socio-economic life.

B. Public security

64. The progress of the political transition could be undermined by failure to strengthen the population's perception of security, an essential condition for civic engagement as well as for socio-economic activity. UNSMIL would support Libyan efforts to develop an effective and accountable security sector that respects human rights, upholds the rule of law and has the confidence of the people. To this end, the Mission's role would include the provision of strategic and technical advice to national stakeholders on security sector issues, including those pertaining to civilian oversight and management and the demobilization and integration or reintegration of ex-combatants.

65. Decisions related to the demobilization of ex-combatants and the unification of armed forces under State authority are complex, and closely linked to the political transition. UNSMIL would therefore continue its engagement with the interim Government in the strategic and operational planning of the different phases of the demobilization and integration processes. Assistance at the policy level would be complemented by a support role in the implementation of demobilization and integration processes in security sector institutions as requested. Similarly, UNSMIL and the United Nations country team would provide technical advisory support for the development of adequate socio-economic prospects for ex-combatants choosing to return to civilian life. To date, UNSMIL has been requested to provide technical assistance for the registration process under way.

66. One of the critical tasks over the mandate period will be to establish an accountable and professional police service throughout the country that performs a range of policing functions in accordance with human rights principles and that enhances the confidence of the Libyan people in the State's ability to provide security and justice. To that end, by deploying a range of specialists and police experts, UNSMIL would provide strategic and technical advisory services to the Ministry of the Interior on issues of oversight and management, command and control, strategic and operational planning, training needs, the integration of ex-combatants into the police and elections security. With respect to training, UNSMIL would assist in defining needs, developing training curricula that incorporate human rights dimensions and identifying the most appropriate sources

of assistance. It is expected that the actual training will be provided by bilateral actors under a framework coordinated by UNSMIL and in line with the United Nations human rights due diligence policy.

67. UNSMIL would also be in a position, if requested, to provide support to national authorities in meeting challenges in the defence sector, including those pertaining to the integration of ex-combatants into the branches of national defence and to civilian oversight and management of the defence sector. Burdened with decades of neglect and suffering from deep mistrust from many Libyans, Libya's defence forces will require sustained and profound reforms supported by a broad consensus on a vision for the national defence force, which can foster enhanced trust and confidence between defence stakeholders, other security forces and civil society.

C. Arms proliferation and border security

68. Potential setbacks to current efforts to control the availability and proliferation of arms and related materiel, including heavy weaponry and ammunitions, would pose serious risks of instability in Libya, including threats of armed clashes, criminality or trafficking, with likely regional consequences. As initially mandated by the Security Council in resolution 2022 (2011), UNSMIL would continue to support Libyan authorities in their efforts to establish effective oversight, management and control of the country's weapons arsenal in line with international conventions. To this end, UNSMIL would provide advice on international standards of arms control and assist the Libyan authorities in the registration of man-portable air defence systems, ammunition storage and management and the clearance of mines and explosive remnants of war, among others. UNSMIL would continue to facilitate in-country engagement by international weapons control bodies, such as OPCW and the International Atomic Energy Agency, and work closely with interested regional partners and relevant international organizations such as the International Civil Aviation Organization or the Counter-Terrorism Committee Executive Directorate. The Mission's arms control and border security functions would be implemented through an integrated United Nations structure, under an overall UNSMIL framework for the coordination of international assistance to the relevant Libyan authorities, based on a strong role for the United Nations Mine Action Service and participation from UNICEF and UNDP in the areas of mine risk education for children and institutional training, respectively.

69. UNSMIL would also assist Libyan authorities in their efforts to establish protection, oversight, management and control of the country's borders and to establish effective cooperation with its neighbours, and the wider region, on the issues of border security and arms control, including by promoting coordination with relevant regional and international mechanisms and organizations. UNSMIL would focus its engagement on supporting the relevant ministries in establishing an effective border security and management regime and coordinating international assistance in this respect. Both UNSMIL and the country team would offer normative and technical support to the Libyan authorities to ensure the integration of international human rights and refugee law considerations into their border management policies and practices, with a particular focus on migration and human and drug trafficking. UNSMIL would continue to work closely with the European Union and relevant bilateral partners that are engaging significantly in planning and

systems development, provision of modern technology and logistics, capacity-building and training.

D. Human rights, transitional justice and rule of law

70. To many, the most visible means through which the transition will be perceived as a genuine break from the previous regime lies in how the authorities will address the country's decades-long legacy of human rights violations, including violations committed during the eight-month conflict. The reconciliation and transitional justice process will bring into sharp focus a number of tensions, which cannot be ignored. The country will also need to address continuing serious human rights abuses, including against those perceived as having supported the former regime. Beyond the institutional and practical challenges related to the judicial system and the transfer of conflict-related detainees from the control of the brigades to State authorities, both their conditions in detention, including allegations of torture, and the legal process used to determine their fate will either strengthen or undermine the transition's legitimacy. The situation of marginalized groups, including migrants and internally displaced persons, and other potential human rights issues will also require close attention.

71. UNSMIL would give high priority to supporting the Libyan authorities and other civic institutions in ensuring that the transition, including the transitional justice process, is anchored in solid rule-of-law systems, institutions and practices and in respect for human rights. Support would be provided for the development and implementation of a comprehensive transitional justice strategy, on the basis of sound legal frameworks and international standards. UNSMIL would assist the authorities in the development of new legislation and in processes of legal and institutional reform, with a view to ensuring accountability and compliance with international human rights standards. It would also support the authorities in implementing recommendations emanating from international human rights mechanisms, including the International Commission of Inquiry into the human rights situation in Libya mandated by the Human Rights Council. The Mission could help secure technical assistance for the development of an independent national institution that would drive, sustain and monitor the country's commitment and capacity to promote and protect human rights. The Mission would facilitate the training of civil society to monitor human rights violations, develop strategies and establish mechanisms to advocate directly with ministries and other State institutions, while itself conducting basic monitoring functions to meet its United Nations reporting obligations.

72. UNSMIL's engagement in other rule-of-law efforts would focus on immediate strengthening of the corrections system and fostering effective linkages along the criminal justice chain. UNSMIL would in particular continue its advisory support to Libyan counterparts on the consolidation of the Ministry of Justice's authority over detainees, the review of their cases by means of a fair and transparent legal process and the prevention of human rights violations. The provision of political and technical advice, in collaboration with the United Nations country team, for the resumption of judicial functions within a cohesive and effective institutional framework would be an important function of the Mission. While UNSMIL will focus its engagement on the immediate transitional needs and the normative dimensions of corrections and justice initiatives as catalytic requirements for long-

term reforms, United Nations agencies would be prepared to provide support in developing the overall judicial infrastructure, including the training of judges, prosecutors and corrections officers, strategic planning and budgeting capacity, case management systems and legal aid services to the population, subject to the availability of programme resources.

E. International coordination and partnerships

73. As a resource-rich country, Libya has choices and many international actors, including private companies, are available to provide assistance. As in other transitional contexts, however, multiple offers can present significant transaction costs for national and local authorities, and the Government is already under severe stress to meet urgent priorities. In all of its mandate areas, UNSMIL would continue to support Libyan efforts to coordinate international engagement, with a view to ensuring that offers of assistance are focused on Libyan-defined needs and implemented with minimum demands on Libya's already stretched capacities. Where appropriate and requested, UNSMIL would facilitate the development of partnerships between Libya and international actors, especially in areas where the mission has neither the mandate nor the comparative advantage to respond directly to Libyan needs.

74. Efforts to revive and sustain Libya's economic growth present one illustration of the role of UNSMIL in providing an overall supportive framework for other actors, including the World Bank and IMF, to directly assist national authorities. While not directly involved in macroeconomic recovery initiatives, UNSMIL would continue to offer a platform where economic challenges with significant political implications can be addressed and where international support can be mobilized.

75. Regarding the resumption and reform of Libya's public administration, through its integrated structure, UNSMIL would continue to assist United Nations funds, programmes and agencies that may be requested to provide targeted technical assistance to a range of central ministries and institutions on issues of strategic planning, civil service reform and decentralization. In this area and others, UNSMIL would be available to mobilize external expertise and assist in the development of clear frameworks of engagement on the basis of principles of national ownership and effective coordination.

F. Mission approach

76. The overall concept of operations is informed by the Libyan context. In certain areas, the depth of United Nations support is increasingly clear, including in regard to electoral support, public security, human rights and transitional justice. However, given the fluid environment and the expected formation of a new Government during the proposed mandate period, it should also be expected that a range of requests will be formulated gradually throughout 2012 on the basis of emerging and at times unforeseen needs.

77. UNSMIL's overall mission concept should, therefore, have at its core the attributes of flexibility and responsiveness, driven by needs on the ground and the normative responsibilities of the United Nations. While in some areas, most notably electoral support, clear requests for intensive and sustained support have been

expressed, UNSMIL is not expected to consist of large, continuously deployed sections. Rather, the Mission should be equipped with a small core of relatively senior advisers across a range of mandate areas, and the capacities to bring rapidly on board short-term, dedicated technical expertise when required, to be co-located with Libyan partners where appropriate. UNSMIL will need to use a range of modalities to mobilize surge capacities, even for short-term assignments, from within the United Nations or from other international partners. This approach will require close collaboration between the Mission's in-country capacities and Headquarters capacities to ensure quick identification, mobilization and deployment of the required expertise, based on the most appropriate and efficient modality, including arrangements outlined in the civilian capacity review report (see A/66/311-S/2011/527).

78. As a result, the UNSMIL concept of operations requires a flexible approach to in-country resources, with a fluctuating presence based on Libya's needs and its Government's requests. In line with this approach and in light of the expected responsibility to intensify its support in areas critical to the success of the transition, the Mission will require some increased capacities. At the same time, Mission support would continue to adopt a minimum footprint in Libya with back-office functions to be performed at the Global Service Centre in Brindisi. UNSMIL would also continue to manage vacancies in its overall staffing provision flexibly to meet needs as they develop, in line with the global field support strategy. The Mission would have to be prepared to meet short-notice requirements for staff with specialist skills and experience, in close coordination with Headquarters counterparts, in order to meet required deployment timelines. Similarly, the UNSMIL budget would be managed flexibly to meet the Mission's needs, and synergies would need to be created from sharing of resources with the country team.

G. Safety and security of United Nations personnel

79. The integrated United Nations security management system will continue to facilitate United Nations programmes and operations and ensure an adequate level of security for United Nations staff in Libya. Actual and potential security risks to the United Nations in Libya will be identified and mitigated on the basis on systematic analyses of the operating environment, the development of key contacts with Libyan counterparts, the strategic application of United Nations security resources and the strengthening of relevant staff skills.

VII. Financial aspects

80. The Security Council, by its resolution 2009 (2011) of 16 September 2011, decided to establish a United Nations Support Mission in Libya (UNSMIL) under the leadership of a Special Representative of the Secretary-General for an initial period of three months. By its resolution 2022 (2011) of 2 December 2011, the Council decided to extend the mandate of UNSMIL until 16 March 2012. The General Assembly, in its resolution 66/247, authorized the Secretary-General to enter into commitments in an amount not to exceed $16 million. A budget proposal for UNSMIL for the period through December 2012 will be presented to the General Assembly during the second resumed part of its sixty-sixth session.

VIII. Observations and recommendations

81. Four months after the end of fighting, Libya's National Transitional Council and interim Government are addressing numerous challenges amid high popular expectations for the authorities to deliver and demands for greater accountability and transparency. They are doing so in the context of the deep-rooted legacy of the former regime, which includes weak and dysfunctional State institutions, the denial of political life and civil society, systematic human rights abuses, social engineering and deliberate marginalization of communities. The task of carrying forward a political process that has the broad participation of all major stakeholders, including civil society groups, is thus one of great difficulty, but I encourage Libya's leaders to persist in the spirit of inclusivity and reconciliation, which will ensure a successful transition.

82. The commitment with which youth and women contributed to Libya's revolution must be reflected in their continuing involvement in shaping the country's future. It would be particularly important for Libyan authorities to ensure women's full representation in political decision-making and across government institutions.

83. The first free and democratic elections in over four decades are a crucial opportunity for the Libyan people to exercise their right to confer legitimacy on governing institutions and on the constitution-making process. The participation of civil society in the consultations over the electoral law, the role now opened up for political entities and the acceptance of special measures to promote the representation of women usher in a new phase in the people's active engagement in the political process. It is of the utmost importance that all necessary measures are put in place, including security measures, to promote a conducive environment for credible, free and fair elections.

84. The Libyan authorities recognize that their foremost challenge is to address the wide circulation of weapons and the large number of armed "brigades" which continue to lack clear lines of command and control, and to develop professional State security institutions under democratic control. I welcome the priority given to integrating or reintegrating former fighters. This will inevitably be a gradual process, but Libya's future stability is ultimately dependent on the Government being the sole provider of security through security forces which protect its population and respect their human rights.

85. I am deeply concerned at the reports of torture and ill-treatment of prisoners, including third-country nationals. I welcome the public condemnation issued by the Government and its commitment to hold those responsible accountable, while recognizing the difficulties it faces in activating and reforming the judicial and corrections system in accordance with international standards. However, I urge the authorities to move more quickly and decisively to take effective legislative, administrative, judicial or other measures to prevent and/or punish any acts of torture. I also hope that priority will be given to introducing as soon as possible a regime of regulation of migration which is in accordance with international standards and to ensuring the protection of migrants and potential asylum-seekers.

86. I welcome the priority being given by the Government to curtailing the proliferation of arms and establishing border security, as well as its dialogue with Libya's neighbours. The United Nations stands ready to work with all countries of the region and with regional organizations in supporting efforts to address cross-border threats.

87. As Libya faces these and other challenges, the United Nations system will continue to offer its fullest support. To this end, I recommend that the Security Council renew the mandate of UNSMIL for another 12 months as an integrated special political mission in the areas provided for by Security Council resolutions 2009 (2011) and 2022 (2011), with a particular focus on the need for intensified support to Libyan efforts in the following areas: (a) democratic transition, including the electoral process; (b) public security, including the demobilization, integration or reintegration of ex-combatants; (c) human rights, transitional justice and rule of law; (d) proliferation of arms and border security; and (e) coordination of international support.

88. In our efforts to assist Libya since the conflict ended, we have pursued an approach which recognizes and respects the particularities of Libya, which may have lessons for other contexts. The United Nations system began to prepare itself early, and did so in a fully integrated manner, engaging with other multilateral and bilateral actors. Engagement with Libyan interlocutors was founded from its earliest stages on respect for national ownership, and the deployment of United Nations personnel into Libya followed a phased approach, responsive to the requests of Libyan counterparts. While this approach developed from an understanding of the Libyan context, it is consistent with my report on civilian capacity in the aftermath of conflict, where I noted that "early planning must include a strong field perspective, with United Nations staff already in country working with national stakeholders to assess national priorities and existing national capacity, including in the diaspora. This will help to ensure that planning is driven by national priorities and needs and not by the availability of international staff or other resources" (A/66/311-S/2011/527, para. 17).

89. The proposals for the extension of the UNSMIL mandate in the present report are a continuation of this approach. A relatively small special political mission, joining forces with the work of agencies, funds and programmes, limits the budgetary requirements. However, accompanying requirements are the need for a higher ratio of relatively senior staff and for flexible funding, as well as personnel and other mission support procedures which enable rapid delivery in response to emerging needs, while the Mission will of course remain fully accountable for the use made of its resources and flexibility.

90. The ultimate criterion for my recommendations is their appropriateness to the current Libyan context. I believe that not only the United Nations, but the international community as a whole, will best support Libya not by being driven by the supply side of post-conflict assistance, but by being responsive to Libya's own emerging sense of its needs for international support. A 12-month extension of the mandate of UNSMIL as proposed will enable the United Nations, on the basis of the positive relationship it enjoys with Libya, to deliver the support it has requested in areas crucial to the success of its transition.

91. In closing, I commend the Libyan authorities and people for their accomplishments to date and I thank them for their close cooperation and collaboration with the United Nations. I also thank all those international development partners, regional organizations and others who have supported the Libyan people in their efforts to secure peace and stability. Finally, I wish to extend my sincere thanks to the staff of UNSMIL and the United Nations system for their efforts to support Libya's transition under the leadership of my Special Representative, Ian Martin.